

AMENDED IN SENATE APRIL 7, 2008

**SENATE BILL**

**No. 1263**

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**Introduced by Senator Ashburn**

February 15, 2008

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An act to amend Section 14035.55 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1263, as amended, Ashburn. Intercity rail services: feeder buses.

Existing law authorizes the Department of Transportation to contract with Amtrak to provide intercity rail passenger services. Existing law also authorizes the department to provide funding to Amtrak to contract for feeder bus services operated in conjunction with the intercity trains, but subject to the restriction, among others, that the bus services be used only by passengers who are connecting to or from a train, subject to specified exceptions, including an exception for passengers traveling solely on the feeder bus between Sacramento and Lake Tahoe and intermediate points if no private intercity bus company provides bus service on that route.

This bill, with respect to feeder bus service contracted by Amtrak, would add an additional exception to allow passengers to travel solely by bus between the community of Lebec in Kern County and the City of Santa Clarita if no private intercity bus company provides bus service on that route. The bill would authorize the department to amend its contract with Amtrak for that purpose.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 14035.55 of the Government Code is amended to read:

14035.55. (a) The Legislature finds and declares all of the following:

(1) Intercity passenger bus service provided by intercity bus companies on a regular-route basis is the only public mass transportation service in the state to provide surface transportation without public subsidy.

(2) The long-term maintenance of private sector intercity passenger service is of vital importance to the state.

(3) Intercity bus companies serve many communities throughout California, providing a network of connection points without equal by any other mode of public or private transportation.

(b) To the extent permitted by federal law, the department shall encourage Amtrak and motor carriers of passengers to do both of the following:

(1) Combine or package their respective services and facilities to the public as a means of improving services to the public.

(2) Coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

(c) Except as authorized under subdivisions (e) and (f), the department may provide funding to Amtrak for the purpose of entering into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only if all of the following conditions are met:

(1) The motor carrier is not a public recipient of governmental assistance, as defined in Section 13902(b)(8)(A) of Title 49 of the United States Code, other than a recipient of funds under Section 5311(f) of that title and code. This paragraph does not apply if a local public motor carrier proposes to serve passengers only within its service area.

(2) Service is provided only for passengers on trips where the passengers have had prior movement by rail or will have subsequent movement by rail, evidenced by a combination rail and bus one-way or roundtrip ticket, or service is also provided on State Highway Route 50 between the City of Sacramento and the City of South Lake Tahoe and intermediate points or on State Highway Route 5 between the community of Lebec in Kern County

1 and the City of Santa Clarita for passengers solely by bus if no  
2 other bus service is provided by a private intercity bus company.

3 (3) Vehicles of the motor carrier, when used to transport  
4 passengers pursuant to paragraph (2), are used exclusively for that  
5 purpose.

6 (4) The motor carrier is registered with the United States  
7 Department of Transportation (DOT) and operates in compliance  
8 with the federal motor carrier safety regulations, and provides  
9 service that is accessible to persons with disabilities in compliance  
10 with applicable DOT regulations pertaining to Amtrak services,  
11 in accordance with the federal Americans with Disabilities Act of  
12 1990 (Public Law 101-336).

13 (d) The department shall incorporate the conditions specified  
14 in subdivision (c) into state-supported passenger rail feeder bus  
15 service agreements between Amtrak and motor carriers of  
16 passengers. The bus service agreements shall also provide that a  
17 breach of those conditions shall be grounds for termination of the  
18 agreements.

19 (e) Notwithstanding subdivisions (c) and (d), the department  
20 may provide funding to Amtrak for the purpose of entering into a  
21 contract with a motor carrier of passengers to transport Amtrak  
22 passengers on buses operated on a route, if the buses are operated  
23 by the motor carrier as part of a regularly scheduled, daily bus  
24 service that has been operating consecutively without an Amtrak  
25 contract for 12 months immediately prior to contracting with  
26 Amtrak.

27 (f) Notwithstanding subdivisions (c) and (d), or any other  
28 provision of law, the department may enter into a contract, either  
29 directly with a public motor carrier in the County of Monterey, or  
30 indirectly with that carrier through a contract with Amtrak, to  
31 provide mixed-mode feeder bus service on the San  
32 Jose-Gilroy-Monterey route. The contract with a public motor  
33 carrier may only be entered into if the department determines that  
34 there is no private motor carrier providing scheduled bus service  
35 on the San Jose-Gilroy-Monterey route. However, the contract  
36 shall be terminated, within 120 days' notice to the public motor  
37 carrier, if a private motor carrier again operates a scheduled service  
38 on the San Jose-Gilroy-Monterey route.

39 (g) Pursuant to paragraph (2) of subdivision (c), the department  
40 may amend its contract with Amtrak to add a term to provide bus

1 service to passengers traveling solely by bus on the  
2 Sacramento-South Lake Tahoe route and on the Lebec-Santa  
3 Clarita route. ~~The A contract amendment with Amtrak may only~~  
4 ~~be entered into if the department determines that there is no private~~  
5 ~~motor carrier providing scheduled bus service on that route.~~  
6 ~~However, the contract amendment shall be terminated, within 120~~  
7 ~~days' notice to Amtrak, if a private motor carrier again operates a~~  
8 ~~scheduled bus service on the Sacramento-South Lake Tahoe route~~  
9 ~~or on the Lebec-Santa Clarita route, as applicable. the route that~~  
10 ~~is the subject of the contract amendment. However, the applicable~~  
11 ~~contract amendment shall be terminated, within 120 days' notice~~  
12 ~~to Amtrak, if a private carrier again operates a scheduled bus~~  
13 ~~service on the Sacramento-South Lake Tahoe route, or within 60~~  
14 ~~days' notice to Amtrak, if a private carrier again operates a~~  
15 ~~scheduled bus service on the Lebec-Santa Clarita route.~~

16 (h) The department shall undertake a two-year study of  
17 patronage on the bus service operated between the City of  
18 Sacramento and the City of South Lake Tahoe and intermediate  
19 points pursuant to subdivision (g), identifying the number of  
20 passengers who are transferring to an Amtrak rail service and those  
21 who are traveling solely on the bus service. The study shall identify  
22 the revenue from each category of passengers and include other  
23 pertinent ridership information. The report shall be submitted to  
24 the transportation policy committees of the Legislature no later  
25 than March 1, 2010.

26 (i) For purposes of this section, the following terms have the  
27 following meanings:

28 (1) "Amtrak" means the National Railroad Passenger  
29 Corporation.

30 (2) "Department" means the Department of Transportation or  
31 the department's successor with respect to providing funds to  
32 subsidize Amtrak service.

33 (3) "Motor carrier of passengers" means a person or entity  
34 providing motor vehicle transportation of passengers for  
35 compensation.

36 (4) "Mixed-mode feeder bus service" means bus service carrying  
37 both passengers connecting to or from a rail service and passengers  
38 only using the bus service.

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